

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 28 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

GINA JAEGER, individually, and as
Personal Representative of the Estate of her
sister, Charlene Hill,

Plaintiff-Appellant,

v.

PEAK MEDICAL MONTANA
OPERATIONS, LLC,

Defendant-Appellee,

and

AMBER DAYHUFF; et al.,

Defendants.

No. 17-35234

D.C. No. 2:16-cv-00030-SEH
District of Montana,
Butte

ORDER

Before: GOODWIN, KOZINSKI, and BERZON, Circuit Judges.

The court has reviewed the responses to the court's April 25, 2017 order to show cause why the appeal should not be dismissed for lack of jurisdiction.

This court lacks jurisdiction over this appeal because the district court order challenged in this appeal is not a final order under 28 U.S.C. § 1291. *See* 9 U.S.C. § 16(b)(1), (2); *see also Dees v. Billy*, 394 F.3d 1290, 1292 (9th Cir. 2005) ("A litigant may not appeal a district court's interlocutory order staying judicial proceedings or compelling parties to arbitrate a dispute.").

Accordingly, this appeal is dismissed for lack of jurisdiction

DISMISSED.